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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

And

SHOTSAY POSCIRI,

Plaintiff in Intervention

v.

UNITED FREIGHT AND TRANSPORT,
INC.,

Defendant.

CIVIL ACTION NO. A01-0225CV

PARTIES' JOINT STATUS REPORT

The parties herein, by and through their respective attorneys of record, hereby submit
their joint status report pursuant to this Court's Order of May 8, 2006.

A. NATURE OF THE CASE

1. Lead Attorneys:

Plaintiff: Teri L. Healy

Plaintiff-Intervenor: Kenneth W. Legacki

Defendant: William J. Evans and Wendy Leukuma

2. Basis for Federal Jurisdiction:

Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Alaska.

3. Nature of the Claims:

Plaintiff EEOC and Plaintiff in Intervention, Shotsay Posciri, allege the defendant violated Title VII of the Civil Rights Act of 1964 by subjecting Ms. Posciri to disparate treatment when it failed to hire her for employment on the basis of her sex, female. Plaintiff in Intervention also alleges that defendant retaliated against Ms. Posciri when it refused to hire her because she filed a grievance alleging Defendant had discriminated against her based on her sex. The defendant denies these allegations.

4. Name of Parties Not Served:

All parties have been served.

5. Principal Legal and Factual Issues:

Whether on or about September 23, 2003, defendant United Freight engaged in unlawful employment practices at its Anchorage, Alaska facility in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). The practices alleged include the failure to hire Ms. Posciri for employment because of her sex, female and in retaliation for exercising her federally protected rights. Whether the effect of the practices has been to deprive Ms. Posciri of equal employment opportunities. Whether the unlawful employment practices alleged were intentional. Whether the alleged unlawful employment practices were done with malice or with reckless indifference to Ms. Posciri's federally protected rights.

B. DISCOVERY

1. Completed and Remaining Discovery:

The parties have engaged in written discovery and Defendant's management and some union officials have been deposed. The parties have set additional depositions in May and June for the Plaintiff in Intervention, third party witnesses and additional union witnesses. Defendant's anticipate setting two more depositions and EEOC anticipates setting one additional deposition. The parties are discussing outstanding discovery issues with regard to electronic discovery of an EEOC file and Ms. Posciri's damages.

2. Pending and Anticipated Motions:

Pending before the court is Defendant's motion for rule of law of the case regarding punitive damage evidence. Plaintiffs anticipate filing a motion to compel defendants answers to discovery regarding the corporation's financial information. Defendant's anticipate filing for summary judgment on all claims including Plaintiff in Intervention's retaliation claims.

3. Previous Rulings on Substantive Issues:

The court previously granted Plaintiff in Intervention's motion for intervention and motion for leave to amend.

4. Previously Filed Status Reports:

The parties filed one prior status report on August 16, 2005.

C. TRIAL

The parties expect the jury trial to last 7-10 days.

D. SETTLEMENT

The parties discussed settlement in November 2005 at mediation but were not able to reach a mutually agreeable resolution. The parties have not foreclosed the possibility of future settlement discussions.

DATED this 23rd day of May, 2006.

s/Teri Healy
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